

Docket 60873  
Serial No. 10/706,688

PATENT APPLICATION

REMARKS

This is in full and timely response to the Office Action on the merits dated September 16, 2004. Reconsideration and reexamination are respectfully requested in view of 5 the foregoing amendments and the following remarks.

By the foregoing amendment, claims 1-5, 14-15, and 20 have been canceled and claims 6-7, 9-13, and 16-19 have been amended. Claims 6, 10, and 17 have been rewritten in independent form. Therefore, claims 6-13 and 16-19 remain in this application with claims 6, 10, and 17 being independent.

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IN THE CLAIMS:

35 U.S.C. § 112 Rejections:

15 Claim 20 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Without admitting the propriety of this rejection, claim 20 has been canceled.

35 U.S.C. § 102 Rejections:

Claims 1-5, 9-11, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dalton (US 3,104,399). Without admitting the propriety of these rejections, 20 claims 1-5 and 20 have been canceled and claims 9 and 11 have been amended to depend from claim 6. The examiner has indicated that claims 6-8 stand objected to as being dependent upon a

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rejected base claims (i.e. claim 1) but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 6 has been amended to include all of the limitations of claim 1 as well as the limitations of claim 5 which is intervening. Therefore, claims 6, 9, and 11 should now be in condition for allowance,  
5 and such is respectfully requested.

Without admitting the propriety of the present rejection, claim 10 has been amended to better define the support arm and its mechanical association with the upright member. Importantly, the applicant's support arm is mechanically associated with the upright member, which causes the support arm to rotate along with the boom (Patent Application, pages 12-13).  
10 Since the "free end of the support arm remains under the end of the boom (hence, the weight of the patient) at all times, ... the twist transmitted to the bed frame is thereby minimized." (Patent Application, page 12; reference numbers omitted). In contrast, Dalton ('399) does not disclose, teach, or suggest such a mechanically associated support arm. Assuming that the examiner is citing Dalton's tubular leg members 16, 18, it is clear from column 4, lines 56-63 that the tubular  
15 leg members are not mechanically associated with an upright member. Instead of rotating with the boom to remain under the patient at all times, the tubular leg members are preferably in "widely separated relative positions to provide the widest possible base" (col. 4, lines 58-59) and only pivot as necessary to maneuver through doorways and obstacles (col. 4, lines 60-63). As neither Dalton nor any other patent discloses, teaches, or suggests a support arm mechanically  
20 associated with the upright member for moving along with the boom and always positioned directly beneath a patient's weight, the 102(b) rejection is improper and the applicant respectfully requests that it be withdrawn.

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Therefore, the 35 U.S.C. § 102 rejection of claim 10 over Dalton ('399) should be withdrawn, and such is respectfully requested.

5    35 U.S.C. § 103 Rejections:

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hoyer (US 2,821,406) and Noland (US 1,269,734). Claims 12-15 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Dalton (US 3,104,399), Samuelsson (US 4,571,758), Garman (US 5,651,149), and Noland (1,269,734). However, the examiner has indicated that claims 6-8 and 16-17 stand objected to as being dependent upon a rejected base claims (i.e. claims 1 and 14) but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 6 has been amended to include all of the limitations of claim 1 as well as the limitations of claim 5 which is intervening, and claim 17 has been amended to include all of the limitations of claim 14. Claims 1, 5, and 14 have been canceled. Claims 7, 9, and 11-13 have been amended to properly depend from claim 6, and claims 16, 18, and 19 have been amended to depend from claim 17. Claim 8 depends from claim 7 as originally written. Therefore, claims 6-13 and 16-19 should now be in condition for allowance, and such is respectfully requested.

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35 U.S.C. § 112 Rejections:

Claim 20 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Without admitting the propriety of this rejection, claim 20 has been canceled.

5 This application should now be in condition for allowance and such is respectfully requested. If the examiner has any suggestions that would place this application in even better condition for allowance, he is invited to contact the applicant's representative at the telephone number listed below.

Respectfully Submitted,

  
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